

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHERLON CURTIS-HAMPTON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Civil Action No. **3:11-CV-00062-L**

ORDER

Before the court are Plaintiff's Motion for Summary Judgment, filed May 2, 2011; Defendant's Motion for Summary Judgment, filed June 1, 2011; Memorandum in Support of Defendant's Motion for Summary Judgment, filed June 1, 2011; and the Findings, Conclusions, and Recommendation ("Report") of the United States Magistrate Judge, filed September 28, 2011.


Sherlon Curtis-Hampton ("Plaintiff" or "Curtis-Hampton") filed this action seeking judicial review of a final decision of the Commissioner of Social Security, who denied her application for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) under Title II and XVI of the Social Security Act. Pursuant to *Special Order 3*, the case was referred to United States Magistrate Judge Renee Harris Toliver, for review and submission of proposed findings of fact and recommendation for disposition.

Plaintiff presents the following issues for review: (a) whether the Administrative Law Judge ("ALJ") mischaracterized the Plaintiff's past relevant work; and (b) whether the ALJ's finding that the Plaintiff could perform her past relevant work with the retained residual functional capacity ("RFC") was erroneous. Pl.'s Mot. for Summ. J., 1 ¶ 2.

After reviewing the record, the magistrate judge concluded that the ALJ properly characterized the Plaintiff's past relevant work. The magistrate opined that the "ALJ's finding that Plaintiff was capable of performing her past relevant work as an accounts payable clerk was supported by the evidence, specifically, the testimony of a vocational expert." Report, 7 ¶ 3. The magistrate judge concluded that the ALJ's RFC finding is supported by substantial evidence; the magistrate judge specially noted Plaintiff's testimony that the procedure helps her knee pain and the vocational expert's testimony that Plaintiff would be able to perform her past work as an accounts payable clerk with an accommodation. Report 8, ¶ 4 (citing Tr. at 42-43, 47-78).

After a review of the pleadings, file, record, applicable law, and the magistrate judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct. The court, therefore, **accepts** the magistrate judge's findings and conclusions as those of the court. The court **grants** the Commissioner's Motion for Summary Judgment, and the court **denies** Curtis-Hampton's Motion for Summary Judgment.

It is so ordered this 20th day of December, 2011.


Sam A. Lindsay
United States District Judge